

September 21, 2004

A regular meeting of the Redmond City Council was called to order by Mayor Rosemarie Ives at 7:30 p.m. in the Council Chambers. Councilmembers present were: Cole, Marchione, McCormick, Paine, Resha, Robinson, and Vache.

#### ANNOUNCEMENTS

A moment of silence was observed for Bill Nelson, who recently passed away.

The Mayor announced the following:

- Comcast announced that two new sports networks are being added to the service package at no additional charge to subscribers
- The City of Redmond received Honorable Mention from the Washington State American Planning Association for citizen involvement for Redmond Design Day
- Action on Consent Agenda Item C.7, Allocation of Funds for the Spring 2004 ARCH Housing Trust Fund, has been postponed until the October 5, 2004 Council meeting
- Consent Agenda Item C.5, Consultant Agreements for Engineering Services, Neighborhood Traffic Calming On-Call Support, Project No. 03-CI-16, will be discussed and acted upon after the staff report on Neighborhood Traffic Calming

James E. Haney, City Attorney, summarized the rules of procedure for the Perrigo Heights Closed Record Appeal, scheduled for tonight's Council Meeting, and for the Open Record Hearing on October 19, 2004, as outlined in a memorandum to the Mayor and Council dated September 17, 2004.

Regarding tonight's Closed Record Appeal, Mr. Haney stated that only three parties can speak to the Council: the appellant, the applicant and/or their representatives, and staff. Testimony from the public will not be taken tonight. At the Open Record Hearing on October 19, 2004 on whether to allow utilities to be constructed in a Sensitive Area, anyone can speak and introduce any evidence they wish to at that time. Mr. Haney said he and the Council would address whether written communication received from the applicant and appellants tonight is new evidence.

#### PROCLAMATION

The Mayor read a Proclamation declaring Saturday, September 25, 2004, a day of concern for the hungry in Redmond.

#### ITEMS FROM THE AUDIENCE

Miguel Llanos, 10601 184 Avenue NE, Redmond Historical Society, inquired why the public hearing scheduled for tonight was postponed to October 19, 2004. Geoffrey Thomas, Senior Environmental Planner, explained that the hearing was

postponed because of the number of items on tonight's agenda, and because if Council overturned the appeal of the Hearing Examiner's decision on the SEPA (State Environmental Policy Act) Threshold Determination there would be no need for the Open Record Hearing on the sensitive area exception.

Mr. Llanos began his comments by urging the city to protect Perrigo Springs from runoff.

Mr. Haney stopped Mr. Llanos to reiterate that testimony relating to the Open Record Hearing needs to be made on October 19, 2004, not tonight.

Michael Johnson, 18340 NE 76 Street, clarified that Genie Industries, as well as other businesses in southeast Redmond, are in compliance with the requirements in the Redmond Community Development Guide. Concerning remarks from neighbors in the adjacent residential areas who want to reduce traffic on 188 Avenue NE and 185 Avenue NE, he pointed out that some of the businesses would have to divert their truck traffic to other roads, creating even more congestion on those streets. He noted some of the businesses have been there for many years, and have spent money and instituted management controls in an effort to mitigate impacts to the community. These efforts, he continued, include adding fencing on NE 65 Street and along the east side of 188 Avenue NE, noise abatement, starting motorized units and truck traffic later in the day and ending earlier, softening backup beepers on vehicles, and studying the relocation of truck loading.

Janet Bauml, 8709 172 Avenue NE, said government has to be diligent in honoring the voice of the citizens, because oftentimes people do not feel their voice is heard. She concluded it is important for citizens to have a partnership with the city, and that partnership can result in a stronger city.

George Schryuer, 22916 NE 15 Street, Sammamish 98074, representing Sammamish Rowing Association, said his organization has plans for a new activity center at Idylwood Park that will offer a variety of boating activities, and wants to build a boathouse, which would be donated to the City of Redmond.

Phil Teller, 9712 167 Avenue NE, Chair, Redmond Arts Commission, presented the Commission's 2003 annual report.

Holly Plackett, 7524 137 Avenue NE, Co-Chair, King County Citizens' Advisory Commission on Homeless Encampments, encouraged the Council to read the Commission's report, and to visit one of the tent cities in our area.

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Bill Kirlin-Hackett, 18323 NE 103 Court, Co-Chair, King County Citizens' Advisory Commission on Homeless Encampments, handed out the recommendations from the Task Force on Regional Human Services. He noted that the Task Force participates with A Regional Coalition for Housing (ARCH), which symbolizes the regional cooperation that will be needed to address the homeless issue.

Shannon Underwood, 4210 132 Avenue NE, Bellevue 98005, one of the landowners of one of the Genie Industries parcels, said the three parcels that abut residential areas on three sides used to be industrial, but were rezoned because the city wanted to expand its housing stock. She added the two uses are not compatible, but the industries tried to mitigate impacts on the residential areas with costly changes. She pointed out that Genie Industries was in operation before the residential area was built. She concluded the petition to close off 185 Avenue NE and 188 Avenue NE to truck traffic is of deep concern because doing so would cut off the Genie campus from roads as well as impact other industrial businesses.

The Mayor announced that the Council's Public Safety Committee would be meeting tomorrow, Wednesday, September 22, 2004, at 4:00 p.m. in the Council Chamber to discuss this issue, and invited interested citizens to attend the meeting.

Denis Villeneuve, 16147 NE 112 Street, said he is a former Planning Commissioner and has attended Comprehensive Plan Update meetings at which traffic was discussed. He reminded the Council that at all of the meetings citizens have had concerns about traffic, growth, and preserving our parks and greenbelts. In addition, he continued, he teaches at Redmond High School and has coached the cross country team for years. He added the team's home course is Hartman Park. He recalled that the city had plans for a trail from Hartman Park to Nike Park, and asked the status of the plan.

Danny Hopkins, Parks and Recreation Department Director, said the connection from Hartman Park to Nike Park is on the Redmond Trail Plan.

Mr. Villeneuve urged the Council and Mayor to continue to listen to the voice of the citizens. He said he would be back on October 19, 2004 to give his testimony at the Perrigo Heights Open Record Hearing.

#### CONSENT AGENDA

Motion by Ms. McCormick, second by Mr. Resha, to approve the following items of the Consent Agenda:

(1) approve the minutes of the regular meeting of September 7, 2004, with a correction on page 62, second to last paragraph, to change the "Planning and Public Works Committee" to the "Public Safety Committee"

(2) approve the following payroll/direct deposit and claims checks:

PAYROLL/DIRECT DEPOSIT CHECKS:

#159360 through 159488; and  
#127946 through 128530     \$2,025,679.25

CLAIMS CHECKS:

#219327 through 219689     \$2,769,761.20

- (3) appoint Dayle (Hank} Margeson to the Park Board
- (4) approve the final contract amount with BNCC, Inc., Steilacoom, Washington, comprised of the total amount bid of \$4,337,360, plus bid item increases/decreases, and Washington State sales tax, for a final contract amount of \$4,748,699; and accept construction of Perrigo Community Park, Project No. 95-CI-80, as of September 21, 2004
- (6) forego a public hearing and approve a Long-Term Temporary Use Permit for construction and use of a temporary parking lot at the Sculpture Park (Art Hill) on the Municipal Campus
- (8) authorize the Mayor, on behalf of the City of Redmond, to execute a lease for three hundred eighty two square feet of building space in property known as Central Puget Sound Regional Transit Authority's Overlake Transit Center commuter services building in Redmond, Washington, based on negotiated terms; and execute any sublease of the space under the same lease terms
- (9) approve an interlocal agreement with King County Metro for installation

and maintenance of four additional bicycle locker units (capable of storing two each for a total of eight bicycles} for use at the Redmond and Bear Creek Park-and-Ride Lots; and authorize the Mayor to sign the agreement

- (10) appoint the following recommended members of the Citizen Advisory Committee for updates to the North Redmond and Education Hill Neighborhood Plans: Richard Anderson, Steve Bordner, Ann Callister, Craig Eidem, Mike Ewanchuk, Gerard Grohl, Linda Hussey, Lorraine Josifek, Donald Knoph, Dayle "Hank" Margeson, Susan Mitchell, Stuart Moulder, Raul Munoz, Robroy Ranger, Jill Richardson, Barry Savage, Ingrid Sandin, Gene Scalzo, Ravi Shahani, Lori Snodgrass, Jim Stafford, Beryl Standley, Diane Williams, Paige Wright-Henry, and Charles Zapata, plus two student positions
- (11) approve Resolution No. 1194, supporting Lake Washington Technical College's proposal to pilot the offering of a Bachelor's Degree in Applied Technology, which was presented and read.

Referencing Consent Agenda Item 8, Councilmember Resha clarified the Greater Redmond Transportation Management Association (GRTMA) is not involved in the agreement between Sound Transit and the City of Redmond.

#### OATH OF OFFICE

James E. Haney, City Attorney, administered the Oath of Office to new Park Board member Dayle "Hank" Margeson.

#### APPOINTMENT OF NORTH REDMOND AND EDUCATION HILL CITIZEN ADVISORY COMMITTEE

The Mayor read the names of the people that were appointed to the North Redmond and Education Hill Citizen Advisory Committee, and thanked them in advance for the hard work they will be doing to advance the community.

PUBLIC HEARING - WASHINGTON CATHEDRAL DEVELOPMENT AGREEMENT,  
L040298

The Mayor, in a memorandum to the Council dated September 21, 2004, recommended that the Council deny the proposed development agreement.

James L. Roberts, Deputy Planning Director, stated Washington Cathedral has requested approval of a development agreement for approximately ten acres of land the church owns on the east side of Redmond-Woodinville Road south of NE 124 Street. He said it would be inconsistent with how the city has addressed environmental regulations in past development agreements. In addition, previous development agreements provided specific benefit to the city, but in this case no benefit was evident in the application. He concluded the request is for the first phase of the development for one year; the rest of the development would have to meet the new regulations. He noted that tonight the applicant handed a revised agreement to the City Attorney and himself with some language changes.

The Mayor opened the public hearing at 8:28 p.m.

Bruce Blake, representing Washington Cathedral, requested approval of the development agreement. He said large changes have been occurring in the North Redmond neighborhood. When Washington Cathedral withdrew its initial annexation application, it was assured that the proposed development would not be harmed. He described the proposed amenities planned in the proposed development and indicated that the proposed agreement would vest the development for one year, allowing enough time for the conclusion of the current annexation process. He concluded that Washington Cathedral wants to cooperate with the city, but now it cannot vest under the current code without the Council approving the proposed development agreement.

Mr. Blake stated that the campus will be open to the entire community and allow anyone to participate in recreational activities. He noted that the revised development agreement is strictly for Washington Cathedral to be vested under the current stormwater regulations for the first phase of development, which includes the construction of a recreation center with parking.

Tim White, 12300 Redmond-Woodinville Road, Senior Pastor at Washington Cathedral for the past twenty years, said they have had a lot of homeless kids in their church, and have been working collaboratively with the city for the past seventeen years. He concluded there are a lot of people in the church who believe in this concept, and requested that the Council approve the development agreement.

Hearing no further testimony, the Mayor declared the public hearing closed at 8:36 p.m.

James E. Haney, City Attorney, said there have been two previous iterations of the application since this matter came to the Council originally, and he has not had an opportunity to review the most recent one. He noted the new storm drainage regulations go into effect October 1, 2004. In order to vest, he explained, the city/developer would have to approve and sign the agreement prior to October 1, 2004, so if the Council did not approve the resolution tonight, it would have to be done at a special meeting next week. He reminded the Council that tonight's hearing is a closed hearing, and it would be problematic if the Council were to ask questions that would bring in a substantial amount of new information.

Motion by Mr. Marchione, second by Mr. Robinson, to table this item to a special meeting on September 28, 2004. Motion carried unanimously (7 - 0)

#### REPORTS

##### Staff Report - Neighborhood Traffic Calming

Jeff Palmer, Neighborhood Traffic Calming Coordinator, in a memorandum to the Mayor and City Council dated September 21, 2004, updated the Council on some of the traffic calming and traffic safety education program activities that have been undertaken. The report also provides a glimpse into projects that are in the works or planned for the future.

The Councilmembers asked several questions to clarify information in the report.

##### CONSULTANT AGREEMENTS FOR ENGINEERING SERVICES, NEIGHBORHOOD TRAFFIC CALMING ON-CALL SUPPORT, PROJECT NO. 03-CI-16

The Mayor, in a memorandum to the Council dated September 21, 2004, recommended approval of the consultant agreements.

Motion by Mr. Cole, second by Ms. McCormick, to approve consultant agreements for Traffic Calming On-Call Consultant Engineering Services Support, Project No. 03-CI-16, with Keyes, Pensiero, Giacobazzi, Inc. (KPG), and with David Evans & Associates, Inc. (DEA); and authorize the Mayor to sign the agreements. Motion carried unanimously (7 - 0).

Staff Report - Idylwood Opportunity Study

Danny Hopkins, Parks and Recreation Department Director, in a memorandum to the Mayor and City Council dated September 21, 2004, provided an update on the Idylwood Park Opportunity Study. He noted the study will act as a guide for future development and renovation for Redmond's only developed waterfront park within the city limits. He added the city has been approached by the Sammamish Rowing Association (SRA) to use the water activity building site. The SRA, he explained, proposes a joint use agreement with the city to build a rowing facility onsite that could be used by the general public and SRA members. He emphasized that before that could happen there would be further discussion among staff and the Council concerning budgetary and environmental impacts, and the needs of the city and the SRA. He concluded the Park Board has considered the proposal, and staff wanted to make sure the Council was aware of the proposal.

The Council expressed concerns about the implications of a public/private partnership, parking at Idylwood Park and overflow parking in adjacent residential neighborhoods, litter and public safety. The Council requested further discussion of the proposal at a study session before being requested to make a final decision.

OMBUDSMAN REPORT

Councilmember Marchione noted the Council's receipt of email about Wi-Fi. He was also contacted by a citizen who suggested installing stop bars at the top of driveways on West Lake Sammamish Parkway so vehicles do not encroach on the bike lanes.

Councilmember Cole received inquiries regarding when the project on NE 140 Street would be completed. He was also contacted about Comcast's programming changes.

Councilmember McCormick was contacted about opportunities for traffic calming in the Rose Hill area. Another citizen, she continued, communicated an ongoing problem with litter near the Abbey Road neighborhood behind Redmond High School. She suggested posting "No Littering" signs. The third item, she concluded, involves a cleaning service advertisement packaged in a plastic wrapper with rocks that is being distributed on driveways. She clarified that residents are concerned that when these advertisement accumulate, they give the impression that the homeowner is away.

RECESS

The Mayor declared a recess at 9:24 p.m. The regular meeting reconvened at 9:34 p.m.



PERRIGO HEIGHTS, APPEAL OF HEARING EXAMINER'S DECISION (QUASI-JUDICIAL)

The Mayor, in a memorandum to the Council dated September 21, 2004, recommended that the Council uphold the Hearing Examiner's decisions.

James E. Haney, City Attorney, made some preliminary comments regarding the appeal process. He noted the city received a letter from Mr. Aramburu, the attorney representing the appellants, at 2:00 p.m. today concerning issues of road access into Lookout Ridge and the Perrigo plat. He said this is new information that was not presented to the Hearing Examiner, and could not be presented to the Council since it is not part of the Hearing Examiner's record. He added Mr. Aramburu's letter indicated he intended to request a continuance of the appeal to the October 19, 2004 Council meeting when the Open Record Hearing on the sensitive areas exception for the Perrigo Heights plat is scheduled. He concluded that Ms. Martin, representing the applicant, is opposed to the continuance.

Richard Aramburu, attorney for the appellant, 505 Madison Street, Seattle 98104, stated the following reasons for requesting the continuance:

- He received information last week that there were postings on the city's website, at City Hall, and at the Redmond library that the Closed Record Hearing would be continued to October 19, 2004, and because of that, a number of people have not attended the meeting tonight.
- It does not make sense to try to bifurcate the proceedings between the sensitive areas exception Open Record Hearing and the Closed Record Hearing on the appeal of the Hearing Examiner's decisions, because the Council cannot make a decision on the plat until a decision is made on the sewer line.
- There are multiple reasonable alternatives to putting a sewer line down one of the worst landslide hazard areas in the city.

Mr. Haney said there are two reasons why the decision on the two appeals was placed ahead of the sensitive areas exception:

- The need for the exception would go away if the preliminary plat was denied by the Council.
- The sensitive areas exception is an open record hearing. It would be difficult for the Council to hear information in the Open Record Hearing and then decide on the Closed Record appeals.

Marsha Martin, Foster Pepper Sheffelman, attorney representing Camwest Development, objected to Mr. Aramburu's request for a continuance for the following reasons:

- The code requires notification of the Closed Record Hearing only to those who can participate in that hearing - the applicant, appellant, and staff. All three parties received correct notices. The other notices were a courtesy, and the public is not entitled to participate in the Closed Record Hearing. The hearing will be electronically recorded and available on RCTV for the public to access.
- Her client would be prejudiced if the hearing was continued, because consultants are present tonight and prepared to participate.
- The alignment of sewer has been reviewed extensively by the city. There is sewer to the site. The slope alignment is subject to Council's approval of the plat. No evidence was offered at the hearing on any other alignment, and it was not contested.

For the above reasons, Ms. Martin requested that the decision on the appeals not be continued.

There was general agreement among the Councilmembers that the request for a continuance not be granted.

Geoffrey Thomas, Senior Environmental Planner, gave a brief overview of the preliminary plat and SEPA appeal that was presented to the Hearing Examiner on May 10, 2004.

Mr. Aramburu said it would be inappropriate for the Council to make a decision when the Councilmembers have not listened to the tapes. Mr. Haney stated that the Council is familiar with the Hearing Examiner's record.

Mr. Aramburu said the decision tonight is whether an Environmental Impact Statement (EIS) is required, and whether to approve the preliminary plat. He stated the project has a number of adverse impacts, some of which are serious traffic problems, impacts to wetlands and diverse wildlife, steep slopes, and a violation of the standard of allowing only fifty homes on one access. He addressed three matters in particular:

- The fifty-lot access limit in the code is consistent with other jurisdictions. The Hearing Examiner has said that limit relates to emergencies, and could be resolved by requiring sprinklers. However, it also relates to access, traffic, and other concerns. With approval of Perrigo Heights, a total of 98 homes will use NE 95 Street.

- The project will take Level of Service (LOS) at the intersection of NE 95 Street/166 Avenue NE to F, which is below the standard. The Hearing Examiner interpreted that as a design matter as to how the intersection is built. LOS relates to the amount of traffic going through an intersection. Further environmental review is required as to how to resolve those impacts.
- Part of the area is a Class IV steep slope and an erosion hazard area, which are additional reasons to deny the plat and have an EIS prepared for the Perrigo Heights development.

Mr. Aramburu asked the Council to carefully consider requiring an EIS to address the issues associated with the development, to determine that it not be developed in its present form, and to remand it back to the Hearing Examiner.

Ms. Martin distributed a chart outlining issues raised in the SEPA appeal, issues not raised in the SEPA appeal, issues raised in the appeal of the plat approval and issues not raised in the appeal of the plat approval. Mr. Aramburu objected to the summary of the issues contained in the chart that Ms. Martin distributed to the Council, because it contains several issues that were not in the Hearing Examiner's record. Mr. Haney asked Ms. Martin was there anything in the document that is not contained in the appeal materials. Ms. Martin answered that the only item was on page one, in the lower right-hand column. Mr. Haney said if the document was simply a reiteration of Ms. Martin's appeal materials, it was within the Council's discretion whether or not to accept it, but any new information should be excised.

It was the consensus of the Council that the handout should be turned back to Ms. Martin.

Ms. Martin noted that a written statement of findings of the issues being appealed was not in the appeal record. She responded to Mr. Aramburu's remarks as follows:

- The Lookout Ridge EIS was done prior to when ordinances/regulations were enacted, and, therefore, the Lookout Ridge EIS is irrelevant.
- SEPA requires an EIS only if there are unmitigated impacts; the Technical Committee issued a Determination of Nonsignificance and recommended plat approval.
- All of the conditions of the plat are addressed in the city code.
- In 1995 the City Council considered access to Lookout Ridge and Perrigo Heights (under another owner) and deemed that Lookout Ridge should go forward, even

though it exceeded fifty homes. The Council also determined that a second access was not feasible for both areas, provided all homes exceeding the initial 50 would have sprinklers. The Hearing Examiner's decision and the Council's decision specifically state that emergency access is not impeded.

- The NE 95 Street/166 Avenue NE intersection does not degrade to Level of Service F. Exhibit J to the Hearing Examiner's record states that the intersection is at Level of Service E, and does not meet criteria for mitigation.

Ms. Martin said the plat has been reviewed by the city for over three years, and staff looked at multiple alignments of sewer and access. She requested that since the appellants did not submit burden of proof, the Council must give the Hearing Examiner's decision substantial weight and deny both of the appeals.

Motion by Mr. Robinson, second by Mr. Vache, to uphold the Hearing Examiner's decisions to (1) deny the appeal of the Determination of Nonsignificance, and (2) approve the preliminary plat of Perrigo Heights with conditions as contained in the Hearing Examiner's decisions of June 7, 2004 and July 19, 2004.

Councilmember Marchione disclosed that he received a letter concerning the appeal, and as soon as he realized it pertained to this matter he set it aside.

Motion carried unanimously (7 - 0).

Councilmember McCormick asked could the Council visit the site? Mr. Haney said there was a way to do it with a videotape and no discussion amongst the Councilmembers, but he would recommend against the Council visiting the site as a group or individually. He noted that on October 19, 2004, at the Open Record Hearing, any member of the public can present photographs, videotapes, etc. with respect to placing a sewer line in a sensitive area for the Council's consideration.

#### ADJOURNMENT

There being no further business to come before the Council, the Mayor declared the meeting adjourned at 10:45 p.m.

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MAYOR

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CITY CLERK